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November 1, 1993

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: Amendment of Section 73.202(b),
FM Table of Allotments
Park Rapids, Minnesota
(MM Docket No. ~~93-253~~; RM-8314)

Dear Mr. Caton:

Transmitted herewith on behalf of Edward P. DeLaHunt is an original and four copies of a counterproposal in the above-referenced proceeding. This counterproposal is respectfully directed to the Chief, Allocations Branch.

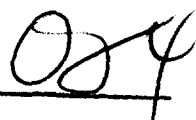
Should any questions arise concerning this matter, please contact this office directly.

Sincerely,


John F. Garziglia

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	MM Docket No. 93-243
Amendment of Section 73.202(b),)	
Table of Allotments,)	RM-8314
FM Broadcast Stations.)	
(Park Rapids, Minnesota).)	

To: Chief, Allocations Branch

COUNTERPROPOSAL

Edward P. DeLaHunt, by his attorneys, pursuant to Notice of Proposed Rule Making, DA 93-1039, released September 9, 1993, hereby submits his counterproposal in the above-referenced proceeding. Edward P. DeLaHunt proposed the allotment of Channel 222C3 to Bagley, Minnesota in lieu of the proposed allotment of Channel 223A to Park Rapids, Minnesota.^{1/}

The Notice of Proposed Rule Making proposed the allotment of a second service to Park Rapids, Minnesota, a community with a 1990 U.S. census population of 2,863 persons. This counterproposal, to allot Channel 222C3 to Bagley, Minnesota, with a 1990 U.S. census population of 1,388 persons, would bring a first local transmission to a community that is presently without any local transmission service. Thus, the allotment of Channel 222C3 to Bagley, Minnesota should be preferred in accord with well-settled allotment criteria. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). The allotment

^{1/} It is proposed that Channel 222C3 be allotted to Bagley, Minnesota at reference coordinates of 47° 25' 23" North Latitude, 95° 23' 21" West Longitude, a site located approximately 11 kilometers south of the community of license.

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criteria set forth in Revision of FM Assignment Policies and Procedures are as follows:

- (1) First aural service;
- (2) Second aural service;
- (3) First local service;
- (4) Other public interest matters.

[Co-equal weight given to priorities (2) and (3)].

The proposed allotment of Channel 223A to Park Rapids, Minnesota does not fulfill any of the first three priorities. The allotment of Channel 222C3 to Bagley, Minnesota fulfills priority number 3. Thus, the allotment of Channel 222C3 to Bagley, Minnesota is to be preferred in this proceeding.

Further, it is well settled that if the community is incorporated or listed in the U.S. Census Reports, there is a presumption that it qualifies as a community for allotment purposes. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). Bagley, a municipal corporation, is listed in the United States census with a population of 1,388 persons.

Edward P. DeLaHunt states his present intention to apply for the channel if it is allotted, and if authorized, to build a station promptly.

Accordingly, the allotment of first local transmission service on Channel 222C3 should be made to the community of Bagley, Minnesota in this proceeding.

Respectfully submitted,

EDWARD P. DELAHUNT

By: 
John F. Garziglia
His Attorney

Pepper & Corazzini
1776 K Street, N.W.
Suite 200
Washington, D.C. 20006
(202) 296-0600

November 1, 1993

**ENGINEERING STATEMENT OF
SUPPORTING COMMENTS FOR A COUNTERPROPOSAL TO
MM DOCKET NO. 93-243**

Proponent : DeLaHunt Broadcasting Corporation

I, Edward P. DeLaHunt, hereby submit this engineering statement in support of a Counterproposal to MM Docket No. 93-243 (Rulemaking no. RM-8314, released September 9, 1993). This statement sets forth technical data in support of a new allotment for Bagley, Minnesota on Channel 222C3. DeLaHunt Broadcasting Corporation requests that the Table of Allotments be amended as follows:

	Channel	
	<u>Present</u>	<u>Proposed</u>
Bagley	_____	222C3

PROPOSED ALLOCATION

Bagley, Minnesota with a 1990 U.S. Census population of 1,388 persons, has no local FM, AM or TV service. This proposal as described herein would bring a first local broadcast service to Bagley, and would not deprive Park Rapids, Minnesota of local service.

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Reference coordinates for the proposed Bagley allotment are: North Latitude 47° 25' 23", West Longitude 95° 23' 21". Attached as Table 1 is an FM channel study from the proposed reference coordinates. As can be seen in the table, the proposed 222C3 allotment will meet all FCC spacing requirements. Principal city grade coverage is also met.

The proposed Bagley reference coordinates are located within 320 kilometers of the U.S. - Canadian border; therefore, the Commission is respectfully requested to notify this proposal to Canada.

CONCLUSION

The proposal contained herein requests the allotment of Channel 222C3 to Bagley, Minnesota. This proposal would not meet FCC spacing separations with the proposed Park Rapids, Minnesota, Channel 223A allotment proposed in MM Docket 93-243. As a result, this proposal should be considered a counterproposal in the above-mentioned rulemaking proceeding.

DeLaHunt Broadcasting Corporation advises the Commission that should it be determined that the public interest would be served by adopting the proposal in this petition, it will promptly submit to the Commission an Application For Construction Permit for the proposed Channel 222C3, Bagley, Minnesota, allocation.

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This statement an attached exhibits were prepared by me and are believed to be true and correct.

Respectfully submitted,

DATED: 10-23-93

Edward P. DeLaHunt

Edward P. DeLaHunt

DeLaHunt Broadcasting Corporation

P.O. Box 49

Park Rapids, MN 56470

TABLE 1
CHANNEL STUDY

Study Name: NEW FM
BAGLEY, MINNESOTA
ZONE 2
Channel: 222C3
Latitude: 47 25 23
Longitude: 95 23 21

CHAN	CALL	CITY AND STATE	LATITUDE	LONGITUDE	FILE NO	STATUS	ERP	HAAT	BEAR	DIST	REQD	CLEAR
219C1	KAXE	Grand Rapids	MN 47 15 17	93 26 3	BLED-1533	LIC	100.000	140	96.5	148.93	76.0	72.93
220C		Fargo	ND 47 0 48	97 11 37	-	USED	.000	0	252.2	144.07	96.0	48.07
		Coordinates updated from LIC record BLED820621AB										
220C	KDSU	Fargo	ND 47 0 48	97 11 37	BLED-820621AB	LIC	100.000	302	252.2	144.07	96.0	48.07
221A	WYRQ	Little Falls	MN 45 56 57	94 17 48	BLH-800516AF	LIC	3.000	91	152.6	183.93	89.0	94.93
221A		Little Falls	MN 45 56 57	94 17 48	-	USED	.000	0	152.6	183.93	89.0	94.93
		Coordinates updated from LIC record BLH800516AF										
221C	CITIFM	Winnipeg	MB 49 34 48	97 10 4	-		360.000	242	332.0	273.45	195.0	78.45
222C3	KXRAFM	Alexandria	MN 45 55 55	95 26 42	BLH-900918KB	LIC	13.500	136	181.5	165.81	153.0	12.81 CLOSE
222A	KSSZFM	Oakes	ND 46 7 23	98 5 21	BLH-860613KA	LIC	4.000	46	235.9	251.82	142.0	109.82
		*To Channel 224C3, Kindred, ND per D90-405										
222C3		Alexandria	MN 45 54 0	95 39 0	-	USED	.000	0	186.8	170.48	153.0	17.48 CLOSE
		Site Restricted-Effective 09-11-89-RSVD for KXRA-FM Per D89-39										
223C1	KKWQ	Warroad	MN 48 49 41	95 23 16	BLH-890830KB	LIC	100.000	141	.0	156.23	144.0	12.23 CLOSE
223A		Park Rapids	MN 46 55 20	95 3 30	RM-8314	ADD	.000	0	155.7	61.07	89.0	-27.93 SHORT
223C1		Warroad	MN 48 54 18	95 18 54	-	USED	.000	0	1.9	164.87	144.0	20.87
		Effective 9-2-86										
223C1	NEW	Warroad	MN 48 54 9	95 22 37	BPH-861002TI	CP	100.000	145	.3	164.51	144.0	20.51
224C3	KSSZFM	Kindred	ND 46 39 38	96 43 1	BMPH-920814IC	CP MOD	25.000	100	230.4	131.79	43.0	88.79
		From Channel 222A, Oakes, ND per D90-405										
224C3		Kindred	ND 46 38 48	97 0 54	-	USED	.000	0	235.6	150.74	43.0	107.74
		Effective 5-4-92-Reserved for KDDRFM per D90-405										
225C1	KKXLFM	Grand Forks	ND 47 57 52	97 1 46	BLH-820909AG	LIC	63.000	119	296.7	137.06	76.0	61.06
225C1		Grand Forks	ND 47 57 52	97 1 46	-	USED	.000	0	296.7	137.06	76.0	61.06
		Coordinates updated from LIC record BLH820909AG										

END OF STUDY

CERTIFICATE OF SERVICE

I, Tracey S. Westbrook, a secretary in the law firm of Pepper & Corazzini, do hereby certify that a true copy of the foregoing "Counterproposal" was sent this 1st day of November, 1993, by first-class United States mail, postage prepaid, to the following:

Harry F. Cole, Esquire
Bechtel & Cole, Chartered
1901 L Street, N.W.
Suite 250
Washington, D.C. 20036
(Counsel to Roger Paskvan)


Tracey S. Westbrook